

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CLIFFORD BRAXTON,  
Plaintiff,

v.

ORDER  
06-CV-311A

ERIE COUNTY DISTRICT ATTORNEY,  
Defendant.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On September 5, 2008, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss the complaint and amended complaint be granted in part, and that plaintiff's motion to file a second amended complaint be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: September 25 , 2008